

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.40850-M of 2005

Date of Decision:- 03.04.2007

Rajender Katiyar

....Petitioner(s)

through
Mr.Shailendra Jain, Advocate

vs.

M/s Electrolux Kelvinator Ltd.

....Respondent(s)

through

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

1. Whether Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT, J.

This revision petition is directed against the order dated March 01, 2005 whereby the bail bonds of the petitioner were forfeited and non-bailable warrants were issued to secure his presence along with his co-accused.

The afore-mentioned order has been impugned on the premise that initially the case was fixed for hearing on 22.11.2004, however, after pre-poning the date it was taken up on 20.11.2004 and thereafter was adjourned to 1.3.2005. It is contended that since no notice was issued to the petitioner and his co-accused, he was not aware of the adjourned date i.e. 1.3.2005 and as such could not appear on that date.

Notice of motion was issued and as per the office report, the respondent has been served. However, no one appears on behalf of the respondent.

Since the plea taken by the petitioner has remained uncontroverted and it appears that the non-appearance of the petitioner on 1.3.2005 was bona fide and for the reasons beyond his control, the order dated 1.3.2005 is set aside and it is directed that the bail bonds originally furnished by the petitioner shall continue to remain valid, meaning thereby that the petitioner shall be at liberty to withdraw the fresh bail bonds furnished by him subsequently.

Disposed of.

April 03, 2007
poonam

(SURYA KANT)
JUDGE